

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA**

ERIN WILSON, individually and on behalf of
others similarly situated,

Plaintiff,

v.

COOKUNITY LLC,

Defendant.

Case No. 1:25-cv-03237-TRJ

**DECLARATION OF ARMEN MOSKVITIN IN SUPPORT OF DEFENDANT'S
MOTION TO COMPEL ARBITRATION AND TO STAY THE LITIGATION**

Armen Moskvitin declares under the penalty of perjury pursuant to 28 U.S.C. § 1746 that the following is true and correct:

1. I am the Senior Director of CRM & Lifecycle Marketing for Defendant CookUnity Inc. (incorrectly identified herein as CookUnity LLC) ("CookUnity"), and as such I am familiar with the facts and circumstances set forth herein. I submit this Declaration in support of Defendant's Motion to Compel Arbitration and to Stay the Litigation.

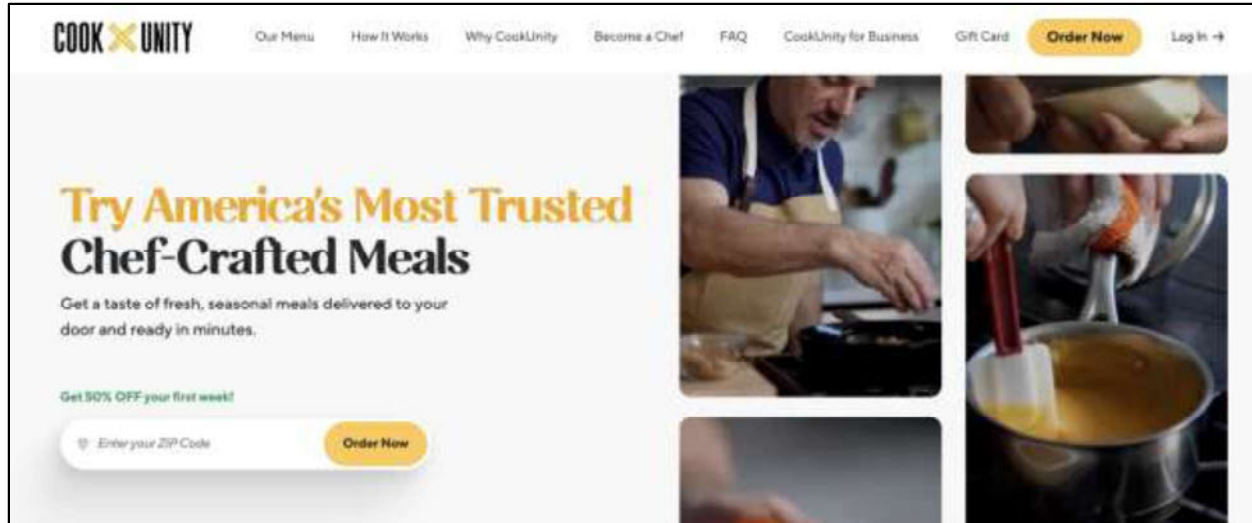
2. CookUnity is an innovative chef-to-consumer food delivery service.

3. As part of CookUnity's marketing efforts, CookUnity sends text and SMS messages to individuals who provide prior express written consent to receive such messages through CookUnity's website.

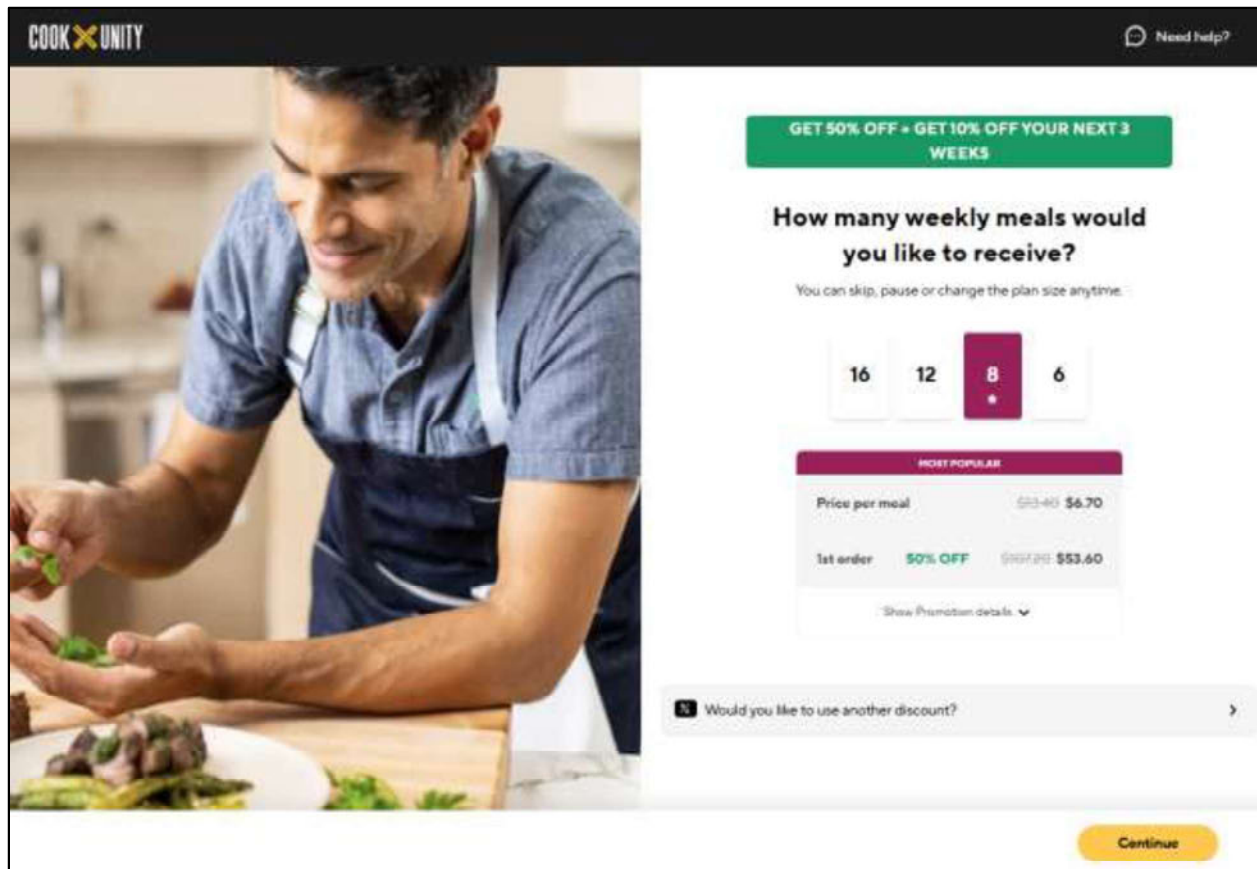
4. CookUnity does not send text or SMS messages to any phone number unless it receives an individual's consent and phone number through its website.

5. CookUnity does not purchase any "leads" from any sources. All of its "leads" are people who visit the CookUnity website and provide their information and consent to be contacted.

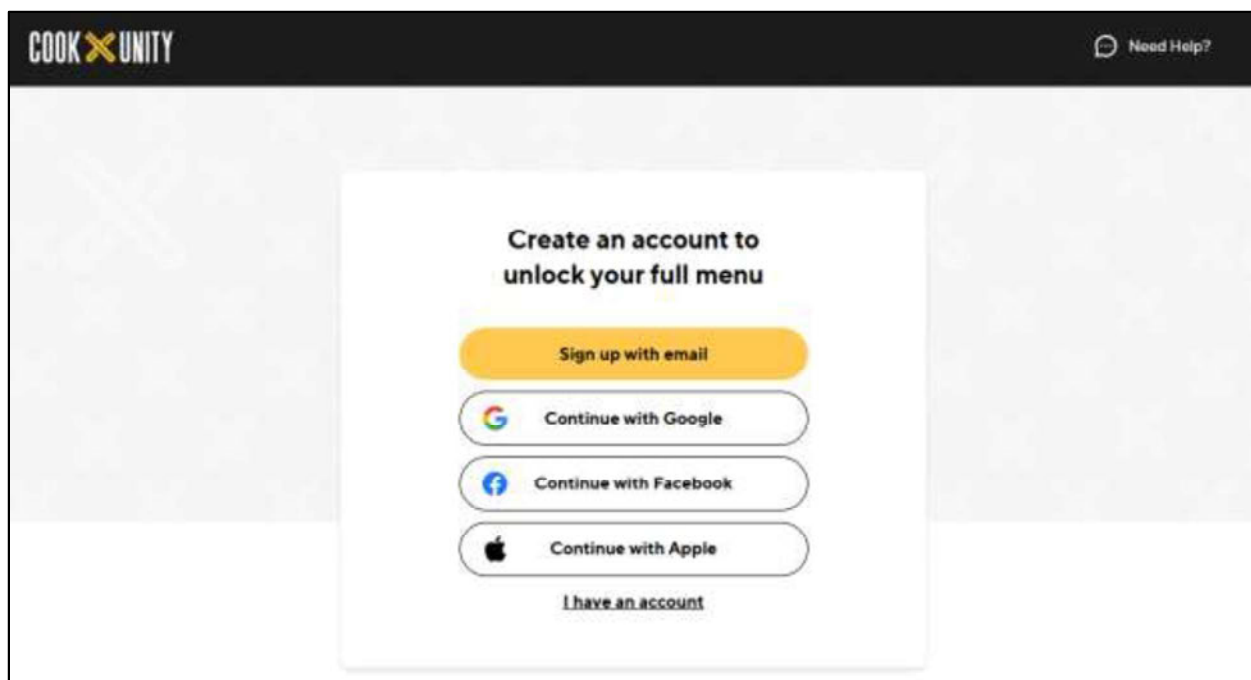
6. CookUnity maintains an internal Do Not Call (“DNC”) list.
7. Individuals who wish to receive text messages from CookUnity or purchase a CookUnity subscription may do through CookUnity’s website, CookUnity.com.
8. The sign-up process on the CookUnity website begins on a landing page, where visitors are prompted to enter their zip code, as depicted below.



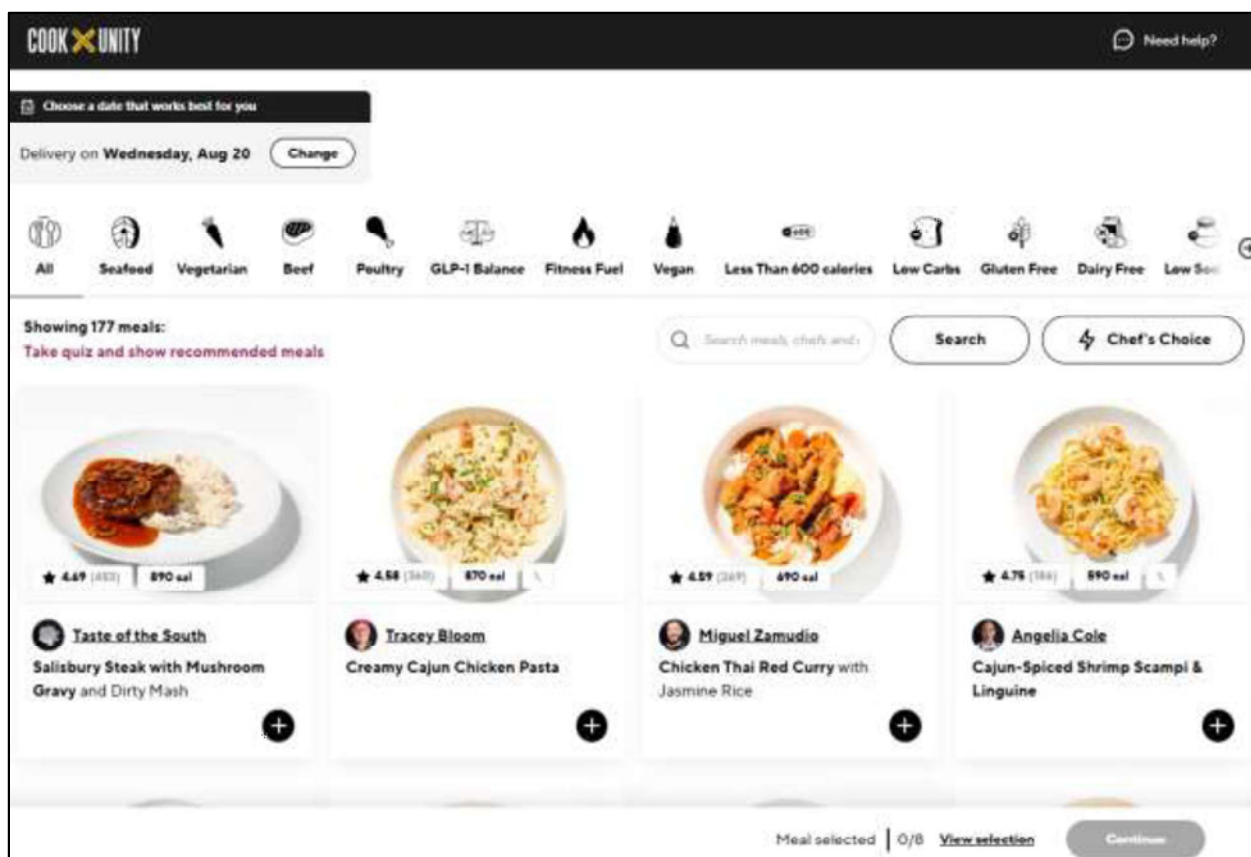
9. Once a visitor to CookUnity.com enters their zip code, they are prompted to enter the number of weekly meals they would like to receive.



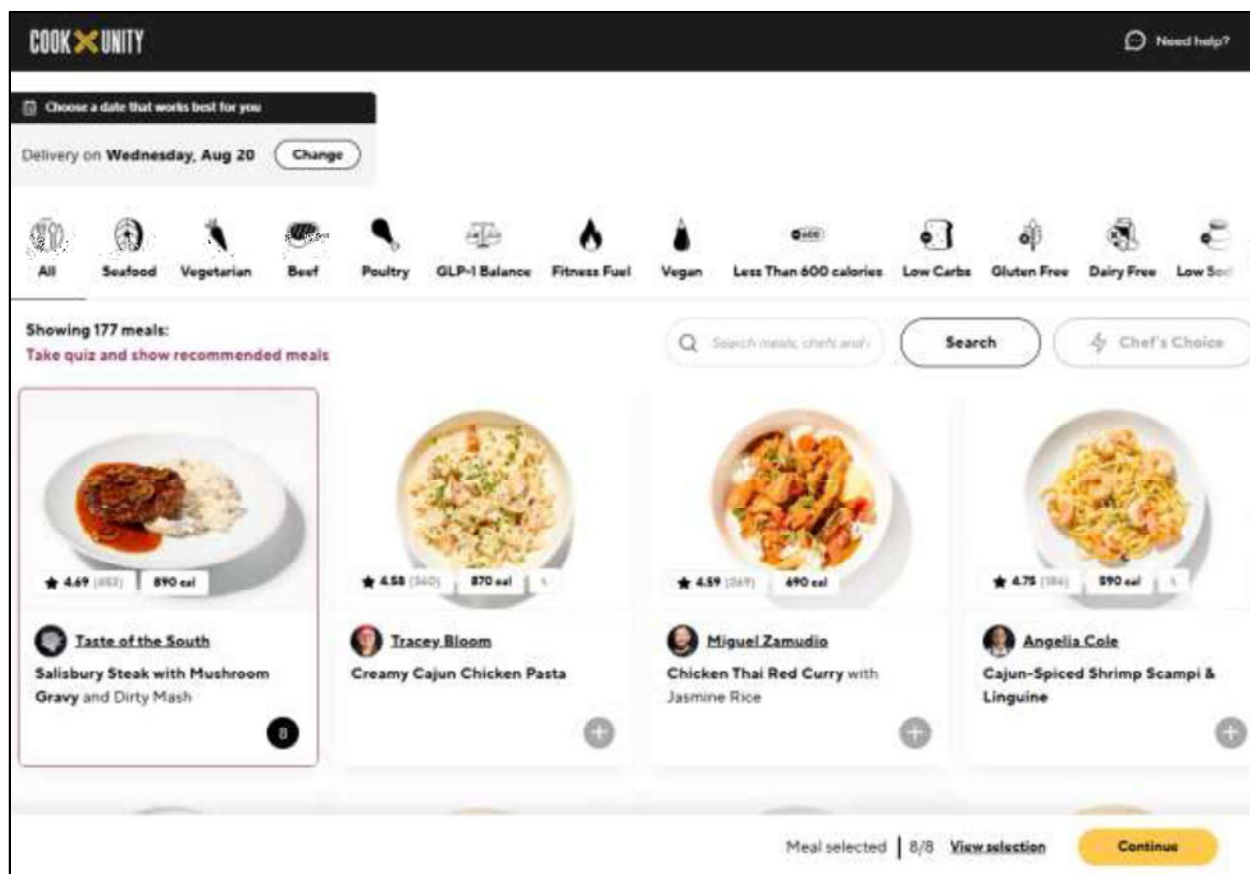
10. The visitor will next be prompted to create an account or proceed through an existing account with CookUnity, Google, Facebook, or Apple.



11. After either logging in or creating an account with an email and password, the visitor is prompted to select their first week's meals.



12. Only once the visitor selects the first week's meals can they continue to the next phase on the CookUnity website.



13. Once a visitor selects their meals, they are prompted to input their delivery address, contact information, and delivery window.

[Need help?](#)

Get 50% off + get 10% off your next 3 weeks

EXPRESS CHECKOUT

Buy with

By confirming this order, you agree to sign up for the CookUnity service. See details at our [Terms and Conditions](#) page.

1 Delivery Address

Not [ianjones@evershede-sutherland.com](#)? [Change account](#)

First Name

Last Name

Eg: Jane

Eg: Doe

Address

Apt / Suite / Office

Eg: 2354 54th street

Eg: 3A

City

State

ZIP code

Marietta

Georgia

30067

Phone

() -

Delivery Window

Delivery Options

12:00 PM - 2:00 PM

Front door of my house / apartment

Address Instructions

Add optional instructions like a gate code

☐ I agree to receive texts and updates on the latest product launches, exclusive offers, and more!

I agree to receive recurring automated marketing text messages (e.g. order reminders) at the phone number provided. Consent is not a condition to purchase. Msg & data rates may apply. Msg frequency varies. Reply STOP to help and STOP to cancel. View our [Terms of Service](#) and [Privacy Policy](#).

Next

This site is protected by reCAPTCHA and the Google [Privacy Policy](#) and [Terms of Service](#) apply.

Order Summary

First Delivery

Wednesday, Aug 20

8 Meals / 1 Delivery per week	\$107.20
Premium Meals	\$0.00
Discount (GOO50103)	-\$53.60
Taxes and fees	\$15.65

First Week Total:

\$127.62

\$69.25

Enjoy your discounted rate! After it ends, your subscription will automatically renew at \$127.62 per week. Pause or cancel anytime in your [Account Settings](#).

You can always skip or reschedule your weekly delivery before your order deadline: **Saturdays at 12 pm ET**

My Meals

[Edit Meals](#)

Salisbury Steak with Mushroom Gravy

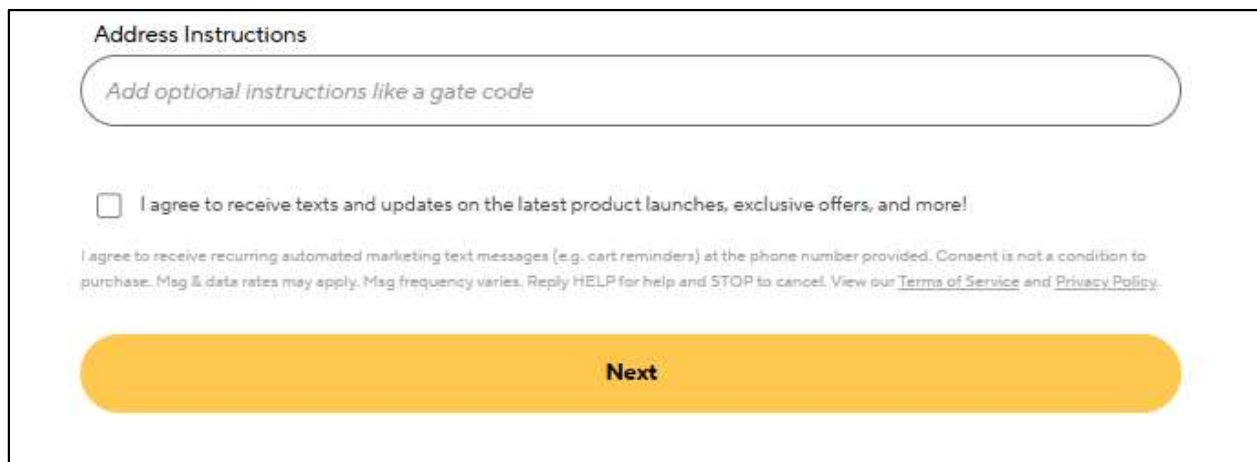
8

14. Only after entering location information, selecting a number of meals, creating an account, selecting the first week's meals, and entering contact and delivery information can a visitor affirmatively provide their prior express written consent to receive text messages from CookUnity.

15. Visitors are presented with a check box, where they may “agree to receive texts and

updates on the latest product launches, exclusive offers, and more.” Immediately below that check box is the consent language, which explicitly states, “I agree to receive recurring automated marketing text messages (e.g. cart reminders) at the phone number provided. Consent is not a condition to purchase. Msg & data rates may apply. Msg frequency varies. Reply HELP for help and STOP to cancel. View our [Terms of Service](#) and [Privacy Policy](#).”

16. The underlined “Terms of Service” and “Privacy Policy” contain hyperlinks to CookUnity’s operative terms of service and privacy policy.



17. A true and correct copy of CookUnity’s operative Terms and Conditions of Service as of March 28, 2025, is attached as Exhibit A.

18. These Terms and Conditions of Service would have been available at the hyperlink “Terms and Conditions.”

19. Once a visitor completes this delivery information and selects “Next,” they are prompted to enter their payment information and confirm their order.

The screenshot displays the CookUnity checkout interface. At the top, a green banner offers a discount: "Get 50% off + get 10% off your next 3 weeks". Below this is a "Buy with G Pay" button. A disclaimer states: "By confirming this order, you agree to sign up for the CookUnity service. See details at our Terms and Conditions page." The page is divided into two main sections: "1 Delivery Address" and "2 Payment".

Delivery Address Section:

- Cardholder Name:** A text input field containing "Name on card".
- Card Number:** A text input field containing "Card number", with an "Autofill link" button to its right.
- Promotions:** A text input field containing "GOO50103" with a green checkmark icon to its right.
- Gift Card:** A text input field containing "Add giftcard code".

Payment Section:

- PayPal:** A radio button option with the PayPal logo.
- Card:** A radio button option with icons for Visa, Mastercard, American Express, and Discover.

Order Summary (Right Side):

- First Delivery:** Wednesday, Aug 20
- 8 Meals / 1 Delivery per week:** \$107.20
- Premium Meals:** \$0.00
- Discount (GOO50103):** -\$53.60
- Taxes and fees:** \$15.69
- First Week Total:** ~~\$127.70~~ **\$69.29**

Additional Information:

- A note states: "Enjoy your discounted rate! After it ends, your subscription will automatically renew at \$127.70 per week. Pause or cancel anytime in your Account Settings."
- A tip box says: "You can always skip or reschedule your weekly delivery before your order deadline: Saturdays at 12 pm ET".
- My Meals:** A section titled "Edit Meals" showing a meal: "Salisbury Steak with Mushroom Gravy" with a circular icon containing the number 8.

At the bottom of the page is a large yellow button labeled "Confirm Order".


20. As part of CookUnity’s regular course of business, it records the inputs entered during visitors’ interactions with the sign-up process. Visitors’ selections are recorded in CookUnity’s system. CookUnity also uses Noibu, a third-party software that creates a video recording of each visitor’s interactions with CookUnity’s website.

21. These records indicate that, on March 28, 2025, a person visited the CookUnity website and proceeded through most of the steps outlined above.

22. At the “Delivery Address” page, the visitor entered the name “Pulin Sheth,” a Duluth, GA delivery address, and Plaintiff Erin Wilson’s (404) XXX-XXXX alleged phone number. These records also indicate that the visitor selected the check box stating, “I agree to receive texts and updates on the latest product launches, exclusive offers, and more!”

23. The following is a true and accurate copy of CookUnity’s records of the information

submitted during this session.



Pulin Sheth

Distinct ID
428be4ef-87fe-4e00-ba0e-ad3a7739b254

Location
Boringman, Oregon, United States

Updated at
Jul 21, 2025

[Create Profile](#)

User Profile Properties

[+ Create Profile Property](#)

user_phone
1800 917 - 5181

Activity Feed

March 28, 2025

4:23:02 PM Sign Up - Address Completed

All Event Properties (55)	Your Properties (32)	Mixpanel Properties (25)
Anonymous ID	428be4ef-87fe-4e00-ba0e-ad3a7739b254	
anonymous_id	78cc94d-cdf0-4d85-893f-f233dab7fca	
API Endpoint	api.mixpanel.com	
API Timestamp	043093456447	
App Version	5.101.1	
Browser	Facebook Mobile	
City	Lawrenceville	
context	tunnel	
Country	United States	
coupon_code	GET30OFF	
Current URL	https://www.cookiecandy.com/enf...-address-category-recommended	
Device	Mobile Web	
Device ID	428be4ef-87fe-4e00-ba0e-ad3a7739b254	
device_details	mobile	
device_os	iOS	
Distinct ID	428be4ef-87fe-4e00-ba0e-ad3a7739b254	
Distinct ID Before Identity	2370952	
event_original_name	Sign Up - Address Completed	
first_delivery_date	Wed, Apr 2, 2025 12:00 AM	
has_omn_enabled	true	
Identified ID	2374955	
Import	true	
Insert ID	api-test-043193792085-842e0489-9fb7	
Library Version	mpm.react-1.89.0	
Locale	en-US	
Mixpanel Library	Segment Analytics analytics.js	
page_name	Checkout	
plan_name	6 Month Delivery 1 September 2022	
Referrer	https://www.cookiecandy.com/	
Region	Georgia	
screen_name	Sign Up - Checkout	
segment_source_name	Signup (PROMO) fullmbrntrf3GnFLG82rS	
Source	segment	
Time	4:23:02.134 pm, Fri, Mar 28, 2025	
Time Processed (UTC)	8:23:26.881 pm, Fri, Mar 28, 2025	
timezone	America/New_York	
User ID	2370952	
User ID	2370952	
user_address		
user_addressapt		
user_address_city		
user_address_ring_id		
user_address_state		
user_address_zipcode		
user_email		
user_first_name	Pulin	
user_id	2370952	
user_last_name	Sheth	
user_name	Pulin Sheth	
user_phone		
user_store_name	Atlanta	

24. The visitor clicked the “Next” button immediately beneath the hyperlinked “Terms of Service and Privacy Policy.” After proceeding to the final “Confirm Order” page, they left the sign-up process without completing the order.

25. CookUnity had no reason to believe this consent to receive text messages was fraudulent.

26. CookUnity honored Wilson’s opt-out response the day she submitted it.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and accurate to the best of my knowledge.

Executed on this 22nd day of August, 2025, in New York, NY.

DocuSigned by:

Armen Moskvitin

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Armen Moskvitin